

THE BAYARD FIRM

A T T O R N E Y S

222 DELAWARE AVENUE, SUITE 900
 P.O. BOX 25130
 WILMINGTON, DE 19899
 ZIP CODE FOR DELIVERIES: 19801

FILED ELECTRONICALLY

302-429-4208

rkirk@bayardfirm.com

January 20, 2006

The Honorable Gregory M. Sleet
 United States District Court
 844 North King Street, Lock Box 31
 Wilmington, DE 19801

*RE: Honeywell v. Hamilton Sundstrand,
 C.A. No. 99-309-GMS*

Dear Judge Sleet:

Defendant Hamilton Sundstrand (“HSC”) and plaintiff Honeywell submit this joint agenda outlining a discovery dispute that will be one of the subjects of the conference call scheduled for January 26, 2006 beginning at 10:00 a.m.

HSC seeks certain post-1985 documents relating to the 331-350 APU that Honeywell developed in the 1980s. Although the Court set 1985 as the general cut-off date for relevant document discovery, the Court and the parties recognized that there may be instances where discovery concerning technology created after 1985 may be appropriate. Based on recent deposition testimony, HSC believes that the Honeywell 331-350 surge control system experienced the inverted-V/double solution problem and solved it using inlet guide vane position, just as the accused APS 3200 does. HSC believes the documents it seeks go to the foreseeability issue on remand.

HSC therefore requests an order compelling Honeywell to produce certain documents relating to the development of the surge control system for the 331-350 APU. Specifically, HSC seeks (1) the 331-350 “design notebook” about which Honeywell’s 30(b)(6) deponent, Mr. Clark, testified; (2) the documents showing the surge control logic of the 331-350 APU referenced by Mr. Clark; (3) documents sufficient to show the conception date of that approach; (4) the procurement specification (and all drafts) for the control unit for the 331-350 referenced by Mr. Clark; and (5) the “memos” referred to by Mr. Clark.

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Honeywell believes the post-1985 documents HSC seeks regarding the surge control system for the Honeywell 331-350 APU are not relevant to the narrow issues before this Court on remand. Honeywell believes the discovery to date establishes that the 331-350 surge control system was developed in the late 1980s, years after the relevant amendment dates in 1982-83. In addition, there has already been significant discovery relating to the 331-350 surge control system, including deposition testimony and the production of numerous documents, so further discovery would be burdensome and duplicative.

Respectfully submitted,

/s/ Richard D. Kirk (rk0922)

RDK/slh

cc: Clerk of the Court (by hand)
Thomas C. Grimm, Esquire (by e-filing)

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on January 20, 2006, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

Thomas C. Grimm, Esq.
Leslie A. Polizoti, Esq.
Morris, Nichols, Arsh & Tunnell
1201 N. Market Street
Wilmington, DE 19801

The undersigned counsel further certifies that, on January 20, 2006, the foregoing document was served by email and by hand on the above local counsel and by email and U.S. Mail on the following non-registered participants in Court:

Jonathan F. Putnam
Lee Ann Stevenson
Vickie Reznik
Michael Strapp
Kirkland & Ellis LAP
Citigroup Center
153 East 53rd Street
New York, NY 10022-4611

Robert Krupka
Kirkland & Ellis LLP
777 South Figueroa Street
Los Angeles, CA 90017

/s/ Richard D. Kirk (rk0922)
Richard D. Kirk